

State of South Dakota

SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

400D0372

HOUSE BILL NO. 1040

Introduced by: The Committee on Health and Human Services at the request of the Department of Health

1 FOR AN ACT ENTITLED, An Act to continue the moratorium on new nursing facility beds.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That chapter 34-12 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Each nursing facility in this state may operate no more than the number of beds authorized
6 by the Department of Health pursuant to this chapter and in existence on the effective date of this
7 Act.

8 Section 2. That chapter 34-12 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 No new nursing facility may be constructed, operated, or maintained in this state unless the
11 nursing facility is serving as a replacement for an existing facility and is required in order to:

12 (1) Eliminate or prevent imminent safety hazards as defined by federal, state, or local fire,
13 building, or life safety codes or regulations;

14 (2) Comply with state licensure standards;

15 (3) Comply with accreditation or certification standards which shall be met to receive
16 reimbursement under Title XVIII or XIX of the Social Security Act as amended to

1 December 31, 1994;

2 (4) Respond to an emergency situation created by a natural disaster such as tornadoes,
3 floods, fire, or explosions; or

4 (5) Improve physical conditions which are related to operational or functional
5 deficiencies.

6 Section 3. This Act is repealed on June 30, 2005.